

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 20, 1998
7:00 P.M.**

1. ROLL CALL

Present: Council Members - Johnson, Land, Mann, Pennino (arrived at approximately 7:43 p.m.)
and Sieglock (Mayor)

Absent: Council Members - None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima,
Community Development Director Bartlam, Finance Director McAthie, Parks and
Recreation Director Williamson, Electric Utility Director Vallow, City Attorney Hays
and Deputy City Clerk Perrin

2. INVOCATION

The invocation was given by Mayor Sieglock.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Sieglock presented a proclamation to Virginia Lahr with the East Side Improvement Committee and Suzanne Radotic with the Greater Lodi Area Youth Commission proclaiming May 24, 1998 as "Lodi Youth Kickin' Tobacco" in the City of Lodi. The event is going to be held on the 24th at Hale Park from 1:00 p.m. - 5:00 p.m. The City Council was presented with T-shirts with the "Youth Kickin' Tobacco" logo.
- b) Suzanne Radotic with the Greater Lodi Area Youth Commission acknowledged the Teen of the Month, Derrick Graham from Tokay High School. The Honorary Teen of the Month is Erica Brizendine from Lodi Academy High.
- c) Mayor Sieglock recognized Council Member Johnson who recently received a Citation of Merit from the National Recreation and Park Association (NRPA) during its annual reception in Long Beach.
- d) Community Improvement Manager Wood presented the City Council with a report regarding City Wide - Community Pride. This annual event is being sponsored by the City of Lodi in conjunction with California Waste Recovery Systems, the Lodi News Sentinel and the East Side Improvement Committee. It kicked off last weekend with the City-wide garage sale, which brought a lot of people in to Lodi from the surrounding areas. On May 30, 1998 California Waste will celebrate with a Customer Appreciation Day between 8 a.m. and 3:00 p.m. by offering discounted dump fees for Lodi residential customers. Also, during the week of June 2, 1998, California Waste will provide residential curbside pick-up of bagged, bundled or containerized items equal to six 32-gallon containers. Finally, on Saturday, June 6, 1998 the event will end with a "Last Chance Dumpster Drop Off" so residents can dump larger items such as appliances, water heaters, stoves and furniture. There will be two locations 1) Lodi Middle School parking lot and 2) Grape Bowl north parking lot off of Stockton Street. Anyone with questions was urged to call California Waste at 369-8274.

- e) Mayor Sieglock presented a plaque to Bob Wheeler, General Manager with General Mills, in celebration of its 50th Anniversary in Lodi. Mr. Wheeler expressed his appreciation to the City of Lodi for how closely it has worked with them over the years, and he was pleased to share that General Mills will continue to stay in Lodi.
 - f) Agenda item #D-3(e) entitled, "Update regarding Hutchins Street Square celebration and construction project" was pulled from the agenda and will be brought back at the June 3, 1998 City Council meeting.
 - g) Dorean Rice with the Chamber of Commerce presented Mayor Sieglock with a check in the amount of \$4,190.00 from the Business License Tax proceeds from the Lodi Street Faire. Mrs. Rice thanked her committee and the City of Lodi staff for helping make this such a great success.
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5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Johnson, Land second, approved the following items hereinafter set forth **except those otherwise noted** by the vote shown below:

Ayes: Council Members - Johnson, Land, Mann and Sieglock (Mayor)

Noes: Council Members - None

Absent: Council Members - Pennino

- a) Claims were approved in the amount of \$5,634,295.30.
- b) The minutes of April 28, 1998 (Special Meeting) and May 6, 1998 (Regular Meeting) were approved as written.
- c) Received the report of sale of scrap metal to the high bidder, Modesto Junk Company, in the amount of \$4,370.47.
- d) Approved the specifications for 20,000 feet of #2/0 15kV XLPE concentric neutral conductor, 10,000 feet of #350 600V Triplex and 5,000 feet of #750 Stranded Aluminum Type XHHW 600V electrical cable for the Electric Utility Department and authorized advertising for bids.
- e) Approved the specifications for power utility duct and fittings for the Electric Utility Department and authorized advertising for bids.
- f) Approved the specifications for one Transformer Turns Ratio Test Set and authorized advertising for bids.
- g) Approved the specifications for asphalt material for fiscal year 1998/99 and authorized advertising for bids.
- h) Approved the specifications for maintenance of landscape areas for fiscal year 1998/99 and authorized advertising for bids.
- i) Adopted Resolution No. 98-67 awarding the bid for the purchase of 53 wood utility poles to the low bidder, J.H. Baxter & Company, San Mateo, in the amount of \$31,217.33.
- j) Accepted the improvements under the "Van Buskirk Park Improvements, 600 North Pleasant Avenue" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.

- k) Approved the Improvement Deferral Agreement for 1365 East Turner Road and directed the City Manager and City Clerk to execute the agreement on behalf of the City.
- l) Approved the encroachment permit and hold harmless agreement for a 7-foot masonry fence at 1401 South Cherokee Lane and directed the City Manager and City Clerk to execute the agreement on behalf of the City.
- m) Approved water service to the Sunnyside Estates Subdivision, which is located outside the City limits.
- n) Adopted Resolution No. 98-68 approving the agreement with the State of California, Department of Transportation, for sharing the cost of State highway electrical facilities with the City of Lodi.
- o) Adopted Resolution No. 98-70 authorizing the City Manager to sign the Letter of Agreement with Western Area Power Administration (WAPA) to perform engineering studies on City of Lodi Direct Interconnect Project for \$70,000.
- p) Adopted Resolution No. 98-69 authorizing the City Manager to release up to \$7,500,000 from City of Lodi funds held in the Northern California Power Agency (NCPA) General Operating Reserve in support of NCPA Geothermal and Hydroelectric Projects debt restructuring.
- q) Agenda item #E-17 entitled, "Approval of temporary part-time position of Electric Services Administrator/Customer Programs" was pulled from the agenda pursuant to staff's request.
- r) Authorized the City Manager to enter into an agreement with KPMG Peat Marwick to audit the City's financial records for fiscal year 1997/98 ending June 30, 1998.
- s) Ratified the San Joaquin County Council of Governments (COG) Financial Plan for fiscal year 1998/99.
- t) Agenda item #E-20 entitled, "Access to west side of Lodi Lake Park through beach area" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- u) Authorized the City Manager to sign an amendment to the Improvement Agreement dated November 18, 1996, covering the Bridgetowne Park improvements, accepted the deed, and authorized the appropriation of funds as outlined in the agreement.

6. ACTION ON ITEM REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-20 entitled, "Access to west side of Lodi Lake Park through beach area".

The following report was prepared by Parks and Recreation Director Williamson:

The City Council reviewed the request of Mr. Del Smith to access the beach and west side of Lodi Lake Park at the April 29, 1998 Shirtsleeve Session. Council directed the request be sent back to the Parks and Recreation Commission for their recommendation.

At the May 5, 1998 Parks and Recreation Commission meeting, the commission reviewed the request and recommended by a vote of 3 - 2 to allow access of the beach and west side from 7:00 a.m. to 10:00 a.m. on a daily basis. The beach and gates would be closed at 10:00 a.m. to allow for swim operations. The commission felt it was in the

park's best interest to keep the gates closed after completion of the swim operations at 6:00 p.m. to deter vandalism and unsupervised swimming. They also requested to review the status of any vandalism or problems on a monthly basis.

The commission further encouraged staff to move forward on pursuing funding sources for the development of the berm concept along Turner Road that was presented to Council at the Shirtsleeve Session by Parks Superintendent Dwight Dauber. This concept was very popular with the commission and those citizens in attendance.

Speaking on the matter was Gerald Houtsma, 900 Kramer Drive, Lodi, who expressed his opposition to opening up Lodi Lake Park to general public access. He lives in the area and is aware of what goes on there, such as broken glass, vandalism, and dog defecation. The area is unpatrolled and unsupervised. Lodi Lake is one of the best areas in which to swim, and it should be kept that way. Mr. Houtsma feels that having the beach area open for a limited time like 7:00 a.m. – 10:00 a.m. would be acceptable.

Mayor Sieglock informed Mr. Houtsma that this proposal is for a time specific of 7:00 a.m. to 10:00 a.m. for public access. Further, Council Member Johnson reminded that a report will be made monthly to track any problems such as vandalism.

The City Council, on motion of Council Member Land, Johnson second, approved the Parks and Recreation Commission's recommendation of allowing access through the Lodi Lake beach area from 7:00 a.m. to 10:00 a.m. daily, close access the remainder of the day, and report status of any problems monthly by the following vote:

Ayes: Council Members - Johnson, Land, Mann and Sieglock (Mayor)

Noes: Council Members - None

Absent: Council Members - Pennino

7. PUBLIC HEARINGS

None.

8. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Mayor Sieglock, Johnson second, rejected the following claim by the vote shown below:

Ayes: Council Members - Johnson, Land, Mann and Sieglock (Mayor)

Noes: Council Members - None

Absent: Council Members - Pennino

1. Jean Lew, date of loss 11/4/97

- b) Deputy City Clerk Perrin read the following ABC Licenses:

1. Anupam K. Sidhu, El Tokay Market, 548 South Sacramento Street, Lodi, Off-Sale General, Premise to Premise Transfer

Mayor Pro Tempore Land questioned why El Tokay Market is on the opposite side of the street from this address. Community Development Director Bartlam indicated that the market on the south side purchased the pool hall at this address and will be moving the market into the building. Mr. Bartlam further indicated that this type of ABC license would fall under the ordinance that was recently adopted regarding alcoholic beverage licenses once it goes into effect.

2. Richard D. Kelley to Walter S. Booth, 211 Club, 211 South Cherokee Lane, Lodi, On-Sale General, Person to Person Transfer
3. Farouk Y. Diab to Cheryl C. Nelson, Little Joes of Lodi, 1230 West Kettleman Lane, Lodi, On-Sale General Eating Place, Person to Person Transfer

9. REGULAR CALENDAR

- a) Agenda item #H-1 entitled, "CALFED Bay-Delta Program Programmatic Environmental Impact Statement / Environmental Impact Report". (Council Member Pennino arrived at approximately 7:43 p.m. during the discussion of this matter.)

Public Works Director Prima informed the City Council that the State of California and the Federal government (CALFED) have jointly prepared a programmatic EIS/EIR on a variety of programs and projects to "... develop a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the Bay-Delta system", as stated in their mission statement. The multi-volume document consists of thousands of pages of text, tables and graphics. The tremendous scope of the program makes it very difficult to summarize, but staff attempted to do so by providing the following information:

1. Program and alternatives descriptions from CALFED's Phase II Interim Report - this includes selected pages describing the alternatives and information on the water-quality and conveyance portions of the project;
2. Summary Comparison of the Environmental Consequences - this includes a table estimating farmland acreage impacts;
3. "The Delta Fix" - a summary of the program prepared by the California Water Clearinghouse;
4. Excerpts from a newsletter from the Associations of California Water Agencies, a supporter of the program; and
5. Commentary on the program from the "California Planning and Development Report" presenting some critical viewpoints on the program.

Public Works Director Prima further presented the City Council with the following points to consider on this matter:

- The program appears to do little if anything to help solve the groundwater overdraft and supply shortage for San Joaquin County. The EIR/EIS on the preferred alternative should address the issue.
- Restoration and protection of the Delta should have higher priority than increasing water exports.
- Delta improvements, including levee work, should be built prior to any isolated channel construction.
- Storage improvements should be built prior to any isolated channel construction.
- Financial assistance should be offered to those agencies required to meet higher discharge standards due to this program.
- The Water Quality Program appears to encourage higher levels of treatment for wastewater effluent, thereby maintaining flow and improving water quality; while the State's Region 5 Basin Plan encourages land disposal of effluent, thereby decreasing flows. The two plans should be reconciled clearly.
- Removal of Delta farmland from production to provide water for farmland in the southern part of the State is inappropriate.

- Of the alternatives presented, staff recommended Alternative 2 be designated as the preferred alternative for the final EIR/EIS.
- Further, request that a presentation by CALFED on the program with a question and answer period be made at a regular Council meeting.

Council Member Pennino recommended that Council conduct a study session instead of a Council meeting to discuss this matter, invite CALFED to attend the meeting, and provide them in advance with the City's questions and concerns. Mr. Pennino further suggested that Pat McCarty; Russ Matthews, Executive Director with the San Joaquin Farm Bureau; John Pulver, San Joaquin Public Works Director and Water Coordinator; and Mark Chandler with the Lodi-Woodbridge Winegrape Commission also be invited to the meeting.

Council Member Johnson concurred with the comments and added that staff check with the San Joaquin County Water Advisory Commission's list of comments to ensure that their comments and concerns match ours and to check that we do not miss anything.

The City Council determined that they would adjourn this meeting to Tuesday, March 26, 1998 at 7:00 a.m. to continue discussion regarding the matter.

10. ORDINANCES

- a) Ordinance No. 1660 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 12.12., Section 12.12.045 Relating to the Prohibition of Glass Bottles or Similar Containers, Alcoholic Beverages and/or Tobacco Products in Certain Posted Parks or Facilities" having been introduced at a regular meeting of the Lodi City Council held May 6, 1998 was brought up for passage on motion of Mayor Sieglock, Land second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Johnson, Land, Mann, Pennino and Sieglock (Mayor)
Noes: Council Members - None
Absent: Council Members - None

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

There was no one wishing to speak on this segment of the agenda.

12. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) City Manager Flynn announced that Electric Utility Director Vallow was appointed by Governor Wilson this week to the California Power Exchange Governing Board. Mr. Flynn also announced that this week is Public Works Week, and the department celebrated and awarded its employees with breakfast this morning. On May 21, 1998, a number of cities and the County will be meeting in Stockton to take a position on the Governor's vehicle license fee proposal. Staff will return to the City Council with a recommendation. Further, Mr. Flynn informed the Council that at the city managers' meeting today he learned that the County of Fresno is joining the County of Alameda's suit to protect their water rights.
- b) Council Member Johnson congratulated Duane Simpfenderfer, Ken Sasaki, and Mike Reese for the successful "Shoot Out on School Street" event. On Sunday there were 80 teams participating and there were even some people from as far away as Fresno. He hopes this event will continue! Further, Mr. Johnson asked the City Council to consider sending a letter to the Department of Treasury Bureau of Alcohol, Tobacco and Firearms

in regards to Kendall Jackson Winery's attempt to create a "California Coastal" wine appellation. The only reason they want to do this is to increase the sales of their wine; however, they are denigrating Lodi's products and making negative comments about Lodi grapes. Mr. Johnson provided a copy of this information to the City Clerk's office. Mayor Sieglock concurred and indicated that he has already spoken with the City Manager regarding this matter.

- c) Council Member Pennino apologized for being late to the meeting, but he had a forum in Elk Grove.

13. CLOSED SESSION

Mayor Sieglock adjourned the City Council meeting to a Closed Session to discuss the following matters:

- a) Conference with labor negotiator: Government Code §54957.6. Agency negotiator, Joanne Narloch. Employee organization, Lodi Police Dispatchers Association (LPDA)
- b) Conference with labor negotiator: Government Code §54957.6. Agency negotiator, Joanne Narloch. Employee organization, San Joaquin Public Employees Association (SJPEA) for Maintenance and Operators
- c) Conference with labor negotiator: Government Code §54957.6. Agency negotiator, Joanne Narloch. Employee organization, San Joaquin County Public Employees Association (SJPEA) for General Services

14. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 8:20 p.m. and Mayor Sieglock disclosed the following actions:

No final action was taken in these matters.

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock, on motion of Council Member Johnson, Land second, unanimously adjourned the meeting at approximately 8:22 p.m. to Tuesday, May 26, 1998 at 7:00 a.m.

ATTEST:

Jennifer M. Perrin
Deputy City Clerk